

1 HOUSE BILL 45
2 44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999
3 INTRODUCED BY
4 R. David Pederson
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8 FOR THE PUBLIC REGULATION COMMISSION REVIEW COMMITTEE
9

10 AN ACT

11 RELATING TO STATE RULES; PROVIDING THAT NOTIFICATION OF
12 PROPOSED PUBLIC REGULATION COMMISSION RULES BE SIMILAR TO
13 OTHER STATE AGENCIES; PROVIDING FOR EFFECTIVE DATES OF
14 EMERGENCY RULES; AMENDING A SECTION OF THE NMSA 1978.
15

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. Section 8-8-15 NMSA 1978 (being Laws 1998,
18 Chapter 108, Section 15) is amended to read:

19 "8-8-15. COMMISSION RULES--PROCEDURES FOR ADOPTION. --

20 A. Unless otherwise provided by law, no rule
21 affecting a person outside the commission shall be adopted,
22 amended or repealed except after public notice and public
23 hearing before the commission or a hearing examiner designated
24 by the commission.

25 B. Notice of the subject matter of the rule, the

underscored material = new
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1 action proposed to be taken, the manner in which interested
2 persons may present their views and the method by which copies
3 of the proposed rule, amendment or repealing provisions may be
4 obtained shall be published at least once at least [~~sixty~~
5 thirty days prior to the hearing date in the New Mexico
6 register and a newspaper of general circulation in the state
7 and mailed at least [~~sixty~~ thirty days prior to the hearing
8 date to all persons who have made a written request for
9 advance notice. For each rule, amendment or repealing
10 provision that affects only one or a limited number of
11 municipalities, towns, villages or counties, notice shall be
12 published in the largest circulation newspaper published and
13 distributed locally in those areas as well as in a newspaper
14 of general circulation in the state. [~~For each rule,~~
15 ~~amendment or repealing provision that affects the entire~~
16 ~~state, notice shall be published in three newspapers of~~
17 ~~general circulation in the state.~~] Additional notice may be
18 made by posting on the internet or by using other alternative
19 methods of informing interested persons.

20 C. If the commission finds that immediate
21 adoption, amendment or suspension of a rule is necessary for
22 the preservation of the public peace, health, safety or
23 general welfare, the commission may dispense with notice and
24 public hearing and adopt, amend or suspend the rule as an
25 emergency. The commission's finding of why an emergency

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1 exists shall be incorporated in the emergency rule, amendment
2 or suspension filed with the state records center. Upon
3 adoption of an emergency rule that is intended to remain in
4 effect for longer than sixty days, notice shall be given
5 within seven days of filing the rule as required in this
6 section for proposed rules.

7 D. The commission shall issue a rule within
8 eighteen months following the publication of that proposed
9 rule or it shall be deemed to be withdrawn. The commission
10 may propose the same or revised rule in a subsequent
11 rulemaking.

12 E. All rules shall be filed in accordance with the
13 State Rules Act [~~and~~]. Emergency rules shall be effective on
14 the date the rule is filed with the state records center; all
15 other rules shall be effective fifteen days after filing
16 unless a [~~longer time~~] later date is provided by the rule. "

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
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6 January 25, 1999
7

8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 45
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
16

17 Respectfully submitted,
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20 _____
21 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Thompson

Absent: None

J: \99BillSWP\H0045

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 10, 1999

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
whom has been referred

HOUSE BILL 45

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

Respectfully submitted,

Roman M. Maes, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Aragon, Rawson, Robinson

Absent: None

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